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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
08 AT SEATTLE

09 UNITED STATES OF AMERICA,) CASE NO. CR09-063-RSL
10)
11 Plaintiff,)
12)
13 v.) SUMMARY REPORT OF U.S.
14)
15 SHIRLEY G. MOLINA,) MAGISTRATE JUDGE AS TO
16) ALLEGED VIOLATIONS
17 Defendant.) OF PROBATION
18)
19)
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21 An evidentiary hearing on probation revocation in this case was scheduled before me on
22 May 18, 2010. The United States was represented by AUSA Sarah Vogel and the defendant by
23 Jay Stansell. The proceedings were digitally recorded.

24 Defendant had been sentenced on or about June 26, 2009 by the Honorable Robert S.
25 Lasnik on a charge of Acquiring a Controlled Substance by Deception and Subterfuge, and
26 sentenced to 3 years probation. (Dkt. 18.)

27 The conditions of probation included the standard conditions plus the requirements that
28 defendant participate in a substance abuse program, abstain from alcohol, submit to search,
29 complete 60 hours of community service, pay restitution in the amount of \$3,709, provide

01 financial information to her probation officer as requested, and participate in a mental health
02 program.

03 In an application dated March 31, 2010 (Dkt. 21,22), U.S. Probation Officer Angela M.
04 McGlynn alleged the following violations of the conditions of probation:

05 1. Failing to complete community service hours as directed since August 2009, in
06 violation of the special condition requiring the defendant to complete 60 hours of community
07 service.

08 2. Leaving the judicial district without permission on or about January 11, 2010, in
09 violation of standard condition No. 1.

10 3. Failing to pay restitution as directed each month, in violation of the special
11 condition requiring the defendant to pay \$3,709 in restitution to the victim.

12 4. Failing to follow the instructions of the probation officer, in violation of the
13 standard condition no. 3.

14 5. Failing to report for urinalysis testing as directed on February 17 and 26, 2010;
15 and on March 3, 4, 16 and 22, 2010, in violation of the special condition requiring the defendant
16 to report for urinalysis testing as directed.

17 6. Using cocaine on or before March 21, 2010, in violation of standard condition No.
18 7.

19 Defendant was advised in full as to those charges and as to her constitutional rights.

20 Defendant admitted alleged violations 1 through 5 and waived any evidentiary hearing
21 as to whether they occurred. The parties agreed to submit the resolution of alleged violation 6
22 to the Court based on the probation officer's Violation Report (Dkt. 22), the report from Kroll

01 Laboratory Specialists, Inc. (Plaintiff's Ex. 1) and the report from Scientific Testing Laboratories,
02 Inc. (Plaintiff's Ex. 2) Based on this evidence, the Court finds that a preponderance of the
03 evidence establishes that defendant committed alleged violation 6. (Dkt. 26.)

04 I therefore recommend the Court find defendant violated her probation as alleged in
05 violations 1 through 6, and that the Court conduct a hearing limited to the issue of disposition.
06 The next hearing will be set before Judge Lasnik.

07 Pending a final determination by the Court, defendant has been released on the conditions
08 of probation.

09 DATED this 18th day of May, 2010.

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11 Mary Alice Theiler
12 United States Magistrate Judge

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14 cc: District Judge: Honorable Robert S. Lasnik
AUSA: Sarah Vogel
Defendant's attorney: Jay Stansell
Probation officer: Angela M. McGlynn
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